UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,337	01/26/2001	Chad Magendanz	44431/233649	6309

27792   7590   05/03/2007
RONALD M. ANDERSON
MICROSOFT CORPORATION
600 108TH AVENUE N.E., SUITE 507
BELLEVUE, WA 98004

EXAMINER
KE, PENG

ART UNIT	PAPER NUMBER
2174	

MAIL DATE	DELIVERY MODE
05/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)
		09/770,337	MAGENDANZ ET AL.
Office Action Summary		Examiner	Art Unit
		Peng Ke	2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 February 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-27</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-27</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This action is responsive to communications: Amendment, filed on 1/26/07.

This action is made Final.

Claims 1- 27 are pending in this application. Claims 1, 14, and 27 are independent

claims. In amendment filed on 1/26/07, claim 1 was amended.

Claim Rejections – 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kotick et al.,

U.S. Patent No. 6,559,867 in view of Buxton et al., U.S. Patent No. 6,469,714.

As per claim 1, Kotick et al. (hereinafter referred to as Kotick) teach a method for

providing a selection of properties for an electronic document associated with an

application program comprising the steps:

determining a status of a property for the electronic document (see Kotick,

column 5, lines 15-30)

based upon the status of the property, creating a customized palette for the user

interface so that the palette comprises a control for an available property (see Kotick,

column 5, lines 15-30); and

displaying the palette in conjunction with the electronic document on the user interface such that said palette and active associated content of the palette does not obscure viewing of said electronic document (see figure-2, items 51-53, figure-3, 71-81; column 5, lines 15-30).

However, Kotick fails to teach determining a context for the electronic document, and customizing palette based upon the context of the electronic document;

Buxton teaches determining a context for the electronic document and customizing palette based upon the context of the electronic document (see Buxton, column 2, lines 61 – 67)

It would have been obvious to an artisan at the time of the invention to include Buxton's teaching with method of Kotick in order to provide users with a system that adapts to their needs.

As per claim 2, which is dependent on claim 1, Kotick and Buxton teach the method of claim 1 (see rejection above). Buxton further teaches determining a change in the status of the property or the context of the electronic document (see Buxton, column 8, lines 20 – 25);

based upon the change of the property or the change in the property or the change in the context of the electronic document,

modifying the palette to reflect the change in the property or the change in the context of the electronic document (see Buxton, column 8, lines 20 – 25); and

replacing the palette with the modified palette so that the modified palette is

displayed in conjunction with the electronic document on the user interface (see Buxton,

figure 3A, items 300 and 320 and column 8, lines 20 – 25).

As per claim 3, which is dependent on claim 1, Kotick and Buxton teach the

method of claim 1 (see rejection above). Buxton further teaches sizing the palette so

that the palette and the electronic document can be simultaneously viewed (see Buxton,

figure 3A, items 300 and 320 and column 9, lines 55 – 67).

As per claim 4, which is dependent on claim 2, Kotick and Buxton teach the

method of claim 1 (see rejection above). Buxton further teaches sizing the modified

palette so that the palette and the electronic document can be simultaneously viewed

(see Buxton, figure 3A, items 300 and 320 and column 9, lines 55 – 67).

As per claim 5, which is dependent on claim 1, Kotick and Buxton teach the

method of claim 1 (see rejection above). Buxton further teaches coordinating the

palette with a predefined interface so that the palette and the predefined interface

provide consistent control features (see Buxton figure 2, figure 3A, items 300 and 320

and column 6, lines 43 – 58); and

displaying the predefined interface in conjunction with the palette and the

electronic document (see Buxton figure 3A, items 300 and 320).

As per claim 6, which is dependent on claim 2, Kotick and Buxton teach the method of claim 2 (see rejection above). Buxton further teaches coordinating the modified palette with a predefined interface so that the palette and the predefined interface provide consistent control features (see Buxton figure 2, figure 3A, items 300 and 320 and column 6, lines 43 – 58); and

displaying the predefined interface in conjunction with the modified palette and the electronic document (see Buxton figure 2, figure 3A, items 300 and 320 and column 6, lines 43 – 58).

As per claim 7, which is dependent on claim 1, Kotick and Buxton teach the method of claim 1 (see rejection above). Buxton further teaches that the context of the electronic document consists of at least one of the following: textual content, formatting content, or graphical content (see Buxton, column 8, lines 30 – 36).

As per claim 8, which is dependent on claim 1, Kotick and Buxton teach the method of claim 1 (see rejection above). Buxton further teaches that the property consists of one of the following: a formatting command, an application program command, or an electronic document characteristic (see Buxton, column 7, lines 29 – 44).

As per claim 9, which is dependent on claim 1, Kotick and Buxton teach the method of claim 1 (see rejection above). Buxton further teaches that the user interface

comprises a graphical user interface for an application program (see Buxton, column 7,

lines 1 – 7).

As per claim 10, which is dependent on claim 1, Kotick and Buxton teach the

method of claim 1 (see rejection above). Buxton further teaches wherein the user

interface comprises a floating palette (see Buxton, column 7, lines 17 – 20).

As per claim 11, which is dependent on claim 1, Kotick and Buxton teach the

method of claim 1 (see rejection above). Buxton further teaches wherein the user

interface comprises a property browser palette window (see Buxton, column 2, lines 47

– 53).

As per claim 12, which is dependent on claim 5, Kotick and Buxton teach the

method of claim 5 (see rejection above). Buxton further teaches wherein the predefined

interface comprises a toolbar (see Buxton, column 7, lines 1 – 7).

As per claim 13, which is dependent on claim 6, Kotick and Buxton teach the

method of claim 6 (see rejection above). Buxton further teaches wherein the predefined

interface comprises a toolbar (see Buxton, column 7, lines 1 – 7).

As per claim 14, Kotick teaches a computer system for providing a selection for

formatting properties for an electronic document associated with an application program

having a user interface comprising:

A memory for storing a property browser program module; (column 1, lines 50-65; It is inherent that a program module in a workstation uses the system's memory for storing properties) and

A processing unit functionally coupled to the memory for executing computer executable instruction operable for: (column 1, lines 50-65; It is inherent that a program module in a workstation uses the processing unit for executing computer instruction)

Determining a formatting property for an electronic document associated with the application program, wherein the formatting property has at least one control; (see Kotick, column 5, lines 15-30)

Creating a customized palette with the formatting property including at least one control; (see Kotick column 2, lines 61-67 and column 8, lines 30-35) and

Sending the palette to a user interface associated with the application program for display adjacent to a viewing content area occupied by the electronic document, such that the palette and an activated associated content o the palette do not obscure any portion of the viewing content area occupied by the electronic document regardless of whether the electronic document occupies all portions of the viewing content (figure 3A, items 300 and 320)

However, Kotick fails to teach determining a context for the electronic document and customize palette based upon the context of the electronic document;

Buxton teaches determining a context for the electronic document and customize palette based upon the context of the electronic document; (see Buxton, column 7, lines 59-64)

It would have been obvious to an artisan at the time of the invention to include Buxton's

teaching with method of Kotick in order to provide users with a system that adapts to their needs.

As per claim 15, which is dependent on claim 1, Kotick and Buxton teach the

method of claim 14 (see rejection above).

Buxton further teaches determining a change in the status of the property or the

context of the electronic document (see Buxton, column 8, lines 20 – 25);

based upon the change of the property or the context of the electronic document,

modifying the palette to reflect the change in the property or the change in the

context of the electronic document (see Buxton, column 8, lines 20 – 25); and

replacing the palette with the modified palette so that the modified palette is

displayed in conjunction with the electronic document on the user interface (see Buxton,

figure 3A, items 300 and 320 and column 8, lines 20 – 25).

As per claim 16, which is dependent on claim 14, Kotick and Buxton teach the

method of claim 14 (see rejection above). Buxton further teaches sizing the palette so

that the palette and the electronic document can be simultaneously viewed (see Buxton,

figure 3A, items 300 and 320 and column 9, lines 55 – 67).

As per claim 17, which is dependent on claim 15, Kotick and Buxton teach the

method of claim 15 (see rejection above).

Buxton further teaches sizing the modified palette so that the palette and the electronic document can be simultaneously viewed (see Buxton, figure 3A, items 300 and 320 and column 9, lines 55 – 67).

As per claim 18, which is dependent on claim 14, Kotick and Buxton teach the method of claim 14 (see rejection above).

Buxton further teaches coordinating the palette with a predefined interface so that the palette and the predefined interface provide consistent control features (see Buxton figure 2, figure 3A, items 300 and 320 and column 6, lines 43 – 58); and

displaying the predefined interface in conjunction with the palette and the electronic document (see Buxton figure 3A, items 300 and 320).

As per claim 19, which is dependent on claim 15, Kotick and Buxton teach the method of claim 15 (see rejection above).

Buxton further teaches coordinating the modified palette with a predefined interface so that the palette and the predefined interface provide consistent control features (see Buxton figure 2, figure 3A, items 300 and 320 and column 6, lines 43 – 58); and

displaying the predefined interface in conjunction with the modified palette and the electronic document (see Buxton figure 2, figure 3A, items 300 and 320 and column 6, lines 43 – 58).

As per claim 20, which is dependent on claim 14, Kotick and Buxton teach the method of claim 14 (see rejection above).

Buxton further teaches that the context of the electronic document consists of at least one of the following:

textual content, formatting content, or graphical content (see Buxton, column 8, lines 30 – 36).

As per claim 21, which is dependent on claim 14, Kotick and Buxton teach the method of claim 14 (see rejection above).

Buxton further teaches that the property consists of one of the following: a formatting command, an application program command, or an electronic document characteristic (see Buxton, column 7, lines 29 – 44).

As per claim 22, which is dependent on claim 18, Kotick and Buxton teach the method of claim 18 (see rejection above).

Buxton further teaches that the user interface comprises a graphical user interface for an application program (see Buxton, column 7, lines 1 – 7).

As per claim 23, which is dependent on claim 18, Kotick and Buxton teach the method of claim 18 (see rejection above).

Buxton further teaches wherein the user interface comprises a floating palette (see Buxton, column 7, lines 17 – 20).

As per claim 24, which is dependent on claim 18, Kotick and Buxton teach the method of claim 18 (see rejection above).

Buxton further teaches wherein the user interface comprises a property browser palette window (see Buxton, column 2, lines 47 – 53).

As per claim 25, which is dependent on claim 18, Kotick and Buxton teach the method of claim 5 (see rejection above).

Buxton further teaches wherein the predefined interface comprises a toolbar (see Buxton, column 7, lines 1 – 7).

As per claim 26, which is dependent on claim 19, Kotick and Buxton teach the method of claim 6 (see rejection above).

Buxton further teaches wherein the predefined interface comprises a toolbar (see Buxton, column 7, lines 1 – 7).

As per claim 27, it is of similar scope to the combination of claims 14, 15, 17, 18 and 22 and is rejected under the same rationale as claims 14, 15, 17, 18 and 22 (see rejections above).

Response to Argument

Applicant's arguments filed on 1/26/07 have been fully considered but they are not persuasive.

Applicant's arguments focused on the following:

1) Buxton fails to teach only available property for the electronic document.

Examiner disagrees.   Buxton teaches this limitation because its control panel changes

based on the property of the document selected by the user. (column 8, lines 20-30) For

example, in a spreadsheet, the property for cell is display in the context of document. (column 8,

lines 20-30) Another example, when a calendar is selected, the users can schedule a meeting in

this context. (column 7, lines 35-40) Final, Buxton states " the menu bar may be context

sensitive, allowing context switching with applets," and applets are different electronic document

that can be selected by the user. (column 9, lines 20-30)

2) By combining Buxton's teaching, the combination would create a pop-up-menu that

obscures the content.

2) Examiner disagrees. Although Buxton's pop-up menu obscure portion the content, the

pop-up menu is not the feature that is been incorporated into Kotick.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Peng Ke